

August 13, 2013

Honorable Robert J. Trentacosta  
San Diego County Grand Jury  
Hall of Justice  
330 West Broadway, Suite 477  
San Diego, CA 92101-3830

Re: Rebuttal of the Alpine High School Citizens Committee to the Response of the Grossmont Union High School District dated July 26, 2013.  
{Said Response was to Grand Jury Report dated May 21, 2013: “Grossmont Union High School District – Fool Us Once, Fool Us Twice?”}

Honorable Robert J. Trentacosta and Members of the San Diego County Grand Jury

The enclosed rebuttal is on behalf of the Alpine High School Citizens Committee (“AHSCC”). The AHSCC is a citizen’s organization that has been in existence for over a decade and is dedicated to the construction of a comprehensive high school to serve the students and residents of Alpine, California and nearby surrounding communities and Indian Tribes.

This rebuttal is directed to the required response by the Governing Board of the Grossmont Union High School District (“GUHSD”) to the May 21, 2013 Grand Jury Report pursuant to Section 933.5 of the Californian Penal Code that was submitted by GUHSD on July 26, 2013. Although there is no legal obligation to file this rebuttal, the AHSCC feels compelled to do so because the GUHSD Response is both misleading and factually incorrect in many instances. Furthermore, the response mischaracterizes and maligns those who support the construction of an Alpine area high school as “special interest advocates.” As a long established representative of the Alpine community on this matter, the AHSCC respectfully requests the careful consideration and inclusion of this rebuttal in the official Grand Jury record pertaining to this subject.

Sincerely,

Sal Casamassima,  
Chair, Alpine High School Citizens Committee  
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Enc.

**ALPINE HIGH SCHOOL CITIZENS COMMITTEE**

**AUGUST 13, 2013**

**PROMISES MADE BUT NOT KEPT  
WHY THE GRAND JURY REPORT; ITS FINDINGS OF FACT  
AND RECOMMENDATIONS ARE VALID AND CORRECT**

**REBUTTAL TO THE GROSSMONT UNION HIGH SCHOOL  
DISTRICT GOVERNING BOARD RESPONSE TO THE MAY  
21, 2013 SAN DIEGO COUNTY GRAND JURY REPORT**

## **ALPINE HIGH SCHOOL CITIZENS COMMITTEE**

### **REBUTTAL TO THE JULY 26, 2013 GROSSMONT UNION HIGH SCHOOL DISTRICT GOVERNING BOARD RESPONSE TO THE MAY 21, 2013 SAN DIEGO COUNTY GRAND JURY REPORT**

#### **INTRODUCTION**

The Alpine High School Citizens Committee (“AHSCC”) has been in existence for more than a decade and it has but one mission – to see that an exemplary and fully comprehensive high school be constructed in the community of Alpine. AHSCC has deep roots in the Alpine community. Over the years AHSCC has been led by and had many members who have years of experience in the field of education or have served as members of the local Alpine Union School District Board of trustees. Other members are and have been business leaders of the community or served on volunteer service organizations directly or indirectly connected with supporting the education of the children of Alpine and surrounding communities and Indian Tribes.

The AHSCC has a long history of positive interaction with the Grossmont Union High School District (“GUHSD”) and has on many occasions, too numerous to count, addressed the GUHSD Governing Board on the subject of the proposed and promised high school in Alpine. Many AHSCC members have also served on major citizens committees established by the GUHSD Board over the past decade. Despite these established bona fides of AHSCC, our committee was indirectly and improperly referenced in the July 26 Response of the GUHSD Governing Board to the May 21 Grand Jury Report as “special interest advocates.” AHSCC resents that mischaracterization and is therefore submitting this Rebuttal to the GUHSD response.

The Response of GUHSD came as no surprise to AHSCC as the arguments it contains are an ever evolving standard refrain we have heard many times over the years. The Response is rife with misleading statements, distorted facts, and, most importantly, glaring omissions of key facts and events cited by the Grand Jury Report in its findings of fact and recommendations. The Grand Jury Report correctly analyzed what has occurred over the past decade to the community of Alpine. The GUHSD Response to the Grand Jury report is simply the latest installment of GUHSD’s attempt to distort what has actually transpired and provide a revisionist history of events.

This Rebuttal addresses all the points raised in the Response and sets the record straight as to the real motivation behind GUHSD’s decision to not build the Alpine high school. The Grand Jury Report was correct on all points and the AHSCC urges the Grand Jury to reject the GUHSD Response and stand by its findings of facts and recommendations.

## **THE ALPINE UNIFICATION EFFORT IS NOT A “SPECIAL INTEREST”**

An important back drop to the Grand Jury Report is Alpine’s unification effort. After years of broken promises and breach of contractual commitments to build a high school for Alpine, the citizens of Alpine, as a last resort, have commenced the process to split off from GUHSD and unify the Alpine school district into a K-12 unified school. The AHSCC is assisting the unification petitioners in the organization of the unification effort and the gathering of the necessary petition signatures to commence the process. The Alpine unification effort did not go unnoticed by the Grand Jury and figures prominently in its final recommendation.

Aside from the ridiculous notion that AHSCC is a “special interest advocate”, the Alpine unification effort and petition signature drive completely undermines GUHSD’s argument that a small band of “special interest” complainers are the driving voice behind a high school in Alpine. To date over 3000 signatures have been gathered in support of unification. Those local volunteers who have gathered these signatures first hand have experienced the utter frustration of the citizens and taxpayers of Alpine who have eagerly signed the petition. The desire of 3000+ citizens and the numerous school children who depend on them is a clarion call of an entire community that wants nothing more than their own local high school to house and educate their students. We are not “special interest advocates”. We are a community of many that speak as one on this critical issue.

## **THE GROSSMONT GOVERNING BOARD, NOT ALPINE, IS DIVIDED**

It is not Alpine that is divided or dominated by “special interests”. It is the GUHSD Governing Board that is divided and torn by its own internal special interests and bickering. The Alpine high school is but a pawn in this long simmering feud. The GUHSD Response fails to mention the actual vote at the July 2013 Board meeting on the Response. The vote was not unanimous and, in fact, was a 3-2 vote with Board members Schreiber and Stieringer casting dissenting votes. Rather than point out the actual vote, the majority led by member Kelly simply states (Response p.7) that Stieringer and Schreiber “have refused to participate in the development of this document.” Of course, they didn’t participate in the document. They disagree with its content and conclusions and voted so at the Board meeting. As will be discussed later, this fracture within the GUHSD Board has been long standing and acrimonious, with power shifting back and forth over the years between Mr. Kelly and his allies and his adversaries on the Board. It is this political infighting that has been and continues to be the source of the dispute over whether to build an Alpine high school. To portray or imply that GUHSD’s Board is solidly behind the Response to the Grand Jury Report is complete fiction.

## **DECLINING ENROLLMENT AND ENROLLMENT TRIGGER EXCUSES TO NOT BUILD THE ALPINE SCHOOL DO NOT HOLD UP UNDER SCRUTINY**

The façade GUHSD relies on most heavily is that it would be irresponsible to build a new high school amid an era of declining enrollment in which “enrollment has declined by over 2000 students.” (Response, p 2.) Tied to this argument is that the new school would increase the district’s operating expenses by \$1M while declining enrollment and State cutbacks have caused revenue declines. The Response also falls back on the so-called enrollment “trigger” contained in Prop U that ties the commencement of construction of the new school to equaling or exceeding the 2007/2008 enrollment of the 11 existing comprehensive high schools currently in the GUHSD district.

### **The Prop U “Trigger” Which Addresses Enrollment Was Satisfied**

First, there is no mention of any connection between enrollment and the construction of the 12<sup>th</sup> high school in Alpine in the first bond measure (Prop H) that was passed by voters. The record of Board meetings and resolutions leading to the placing of Prop H on the ballot clearly indicated that one of the reasons for building the new school was to relieve overcrowding at Granite Hills High School. Attendance at Granite Hills was far in excess of its original design capacity and extensive use of portables was required to house the student population. The new high school was an integral part of relieving the overcrowding as many Alpine students attend Granite Hills.

Because of the massive infrastructure problems in GUHSD resulting from years of deferred maintenance and also mismanagement of the Prop H bond program, GUHSD declared it would not have sufficient funds to complete all Prop H work and build the new high school. A glaring omission from the GUHSD Response was that a citizens Bond Advisory Commission (“BAC”) was established by the GUHSD Board. A prominent recommendation of BAC was a second bond measure. Under the leadership of former superintendent Robert Collins, GUHSD sought a second bond measure, Prop U. Superintendent Collins made clear his intent to use the new bond to complete and enhance Prop H projects and go forward with the new Alpine High School. Board member Kelly demanded that an enrollment trigger be placed into the bond language that tied construction of the school to the 2007/8 enrollment at the existing 11 comprehensive high schools (23,245). Mr. Kelly expected enrollment to decline, hence the enrollment trigger in the bond language would serve as a poison pill and kill the school.

However, enrollment did not decline as Superintendent Collins aggressively addressed a core enrollment problem – GUHSD’s high drop-out rate. As a result, enrollment increased to 23,503 in 2008/9 and 23,750 in 2009/2010. Although enrollment declined in 2010/11 to 23,247 it still was above the enrollment trigger. During that three year span, GUHSD proceeded to purchase the property for the new school site, complete architectural plans, acquire site permits, file plans with the California Division of State Architects (“DSA”), and select a general contractor, all of which collectively cost the District about \$20 Million in bond funds. Despite all of this, GUHSD’s Response (p.14) incredibly declares that the enrollment trigger was not satisfied because “we have not

issued any requests for bids as related to the construction of a 12<sup>th</sup> high school.” In other words GUHSD is now arguing that the enrollment trigger is not met because of its own intentional failure to act during a 3 year span, when in fact it took other demonstrable steps mentioned above to go forward with the school. This is akin to a prisoner going on a hunger strike and claiming that he is being starved to death by the warden. The bottom line is that the Prop U enrollment trigger has been satisfied time and again. Yet the District tries to have it both ways by arguing that it can't build the school because of declining enrollment.

The most revealing action of the GUHSD which indicates their recognition that the enrollment trigger has been satisfied is their passage of a resolution in July, 2011 which stated that actual construction of the school could not go forward until State ADA funding levels were restored to what they were in 2008. This arbitrary criterion does not exist in either Prop H or U and has not been applied to any other bond project except the high school in Alpine. Furthermore, even if it ever gets satisfied there is no obligation to build the school. The intent of this punitive measure was clear – add another insurmountable roadblock to the construction of the high school.

### **GUHSD's Enrollment Decline Is Greatly Exaggerated And Ignores The Enrollment At Its Charter Schools**

Although the Prop U enrollment trigger encompasses enrollment at all 11 comprehensive GUHSD high schools, including the two large GUHSD charter high schools (Steele Canyon and Helix), the Response only addresses the declining enrollment experienced at the other nine comprehensive high schools. Why the difference and why the omission? It is because the two charter schools are bursting at the seams and are at capacity. Steele Canyon has increased enrollment by 121 students (+6%) from 2007/8 to 2012/13 and Helix has gone up 44 students to 2440, far in excess of its original design capacity. No declining enrollment at these schools. Both went charter several years ago and have been amazingly successful in retaining and attracting students, including many from outside GUHSD boundaries. Other smaller charter schools such as Liberty Charter have also sprung up and are attracting new students and building enrollment, taking students away from the remaining GUHSD schools.

In addition to excluding Steele Canyon and Helix, GUHSD's Response also selectively utilized data to exaggerate the actual decline and its concentration. First, it conveniently refers to the enrollment decline over the past four years from the peak of 23,750 in 2009/10 rather than the Prop U trigger benchmark enrollment of 23,245 in 2007/8. So what are the real numbers compared to the 2007/8 date and the 11 comprehensive high schools that add up to 23,245?

The latest 2012/13 data shows the 11 schools with an enrollment of 22,217 or a decline of 1028 versus 2007/8, about half the 2000 decline claimed by GUHSD. Drilling further into the data reveals what is really going on. As noted above, the two charters (Steele Canyon and Helix) actually increased enrollment by 165. Four other schools, Granite

Hills, Grossmont, Santana, and Valhalla had substantially stable enrollment and collectively had a net enrollment increase of 18.

GUHSD's enrollment declines have struck most heavily at five schools, some with large minority enrollments and high dropout rates, which were disproportionately impacted by the recession. These five schools, El Cajon Valley, El Capitan, Monte Vista, Mount Miguel, and West Hills are where statistically meaningful enrollment declines were experienced and just three (El Capitan, Mount Miguel, and West Hills) account for a decline of 941 students, or nearly 92% of the total net decline. Unlike the broad enrollment decline that GUHSD's Response tries to portray, the actual data shows the declines are highly concentrated in just a few schools for reasons unconnected to long-term demographic trends or proximity to Alpine. Rather than affirmatively address its failure to remedy the problems it has at these schools and look to the success at its charter schools as possible solutions, GUHSD sadly uses its own self-created enrollment problems as an excuse not to build the Alpine school. On all counts, the enrollment decline argument is a red herring that the Grand Jury Report wisely rejected.

### **Boundary Study Finds Alpine High School Will Enhance District Enrollment**

Even, if one accepts the bogus declining enrollment argument, the question arises as to what impact the new school would have on overall enrollment. GUHSD's Response intentionally ignores and fails to mention a critical piece of information – the GUHSD Boundary Study. In 2011, the GUHSD Board established a Boundary Committee (“BC”), the purpose of which was to analyze the impact of the new Alpine high school on student attendance, what attendance boundary changes should be made, and specifically how it would impact overcrowding at Granite Hills.

The BC comprised a broad cross section of citizen representatives. Out of 20 members only 3 were from Alpine, the remainder was from other parts of the District, including the then chair of the CBOC who was from Santee. The BC was also staffed with a demographic expert who had extensive experience with school demographics, including prior work on behalf of GUHSD relating to Steele Canyon.

The initial final report of the Boundary Committee revealed very favorable results from the construction of the new high school. In light of their July 2011 resolution, that was not the result certain GUHSD Board members wanted to hear. So, at their September 2011 meeting, the Board directed the BC to come back with an alternative boundary recommendation that excluded the new high school (referred to as Model 9), a directive completely contrary to the original BC mandate. This turned out to be a big mistake for GUHSD as the final BC report provided a stark comparison of outcomes between Model 9 and the model that included the new school (Model 12).

The BC report revealed:

- 1) Along with about 1000 students in the Alpine area, there would be about 70 students from Blossom Valley attending the new school.

- 2) In addition, 80 new students who currently attend private or charter schools would likely go to the new school, and this estimate did not include a single new student from the nearby Mountain Empire school district.
- 3) Plus, up to 400 Steele Canyon Charter High School students would also switch to the new school.

In other words, as item #2 shows, the new school would increase GUHSD enrollment. The report also revealed the new school option was far superior to rebalancing school attendance and boundaries and relieving Granite Hills overcrowding than the no-school Model 9 option. Discussed below is the large positive impact that item #3 mentioned above would have on District finances.

The overall effect of the BC report is to completely neutralize GUHSD's reliance on the declining enrollment argument as the new school would clearly enhance enrollment. Knowing this to be the case, GUHSD's Response points to declining enrollment in the Alpine Union School District as yet another excuse not to build the school. Once again this is a self-fulfilling prophecy in which GUHSD's own failure to act is causing the problem they use to support their argument. Alpine's population has actually increased in the last decade but in recent years the parents who reside there have recognized that despite two bond measures, GUHSD will never build a high school in Alpine. The result has been a flight of parents with school aged children out of the district to other school districts that have nearby high schools or to charter schools. As the BC report reveals, a new local high school will quickly draw in new students which, in turn, will have a domino effect and bring back young families and new students to Alpine.

### **The New Alpine High School Will Not Increase Operating Costs**

GUHSD's Response (p.2-3) also heavily relies on the premise that the new school will increase annual operating costs by \$1.3 million, increasing to \$1.9 million. Without mentioning the BC Report, the Response concedes that "Assuming the new school would attract new students" the net cost increase would be somewhat less than \$1M. The Response conveniently overlooks that BC Report's projection that 400 Alpine students currently attending Steele Canyon would return to Alpine to attend the new local school. These 400 students are over and above the estimated new additional 80 students projected by the BC. Because Steele Canyon is a charter high school, its financial operations are independent of GUHSD and none of their operating expenses or revenue is reported by GUHSD. Therefore, the repatriation of the 400 Steele Canyon students back to Alpine would bring with it to GUHSD the ADA and other State revenues associated with those students.

Admittedly, the repatriation of the Steele Canyon students plus any new students also brings with it associated teacher salary and related educational costs. However, an independent analysis by AHSCC reveals that the most likely scenario of the net effect of student transfers and new students to GUHSD would result in a small increase in net profit to the District and certainly nothing close to a \$1-2 Million operating loss. The bottom line would be a neutral to positive operating cost impact of the new school on the District.

## **GUHSD Overlooks Other Expenses Not Associated With The Alpine School**

While on the subject of operating expenses, it is very revealing that GUHSD isolated only the impact of the new school on their expenses and ignored the impact of other bond expenditures or the nature of those expenditures. For example, there is no mention in Props H or U of the expensive aquatic center constructed for Granite Hills High School and two other new swimming pools or of performing arts event centers at several schools. Each of these facilities will require one full time equivalent employee to maintain it and will exacerbate the GUHSD operating budget. None of the facilities were mentioned in the GUHSD Response.

The Governing Board's cavalier approach to these expensive facilities is exemplified by Granite Hills' aquatic center. Although there was no reference to an aquatic center in either Prop H or U, the GUHSD Board felt this was a worthy project on which to spend bond money. Yet, with the exception of Board member Schreiber, they expressed no concern expressed about the center's operating costs even in the face of well-publicized severe cost problems that other school districts such as Coronado have experienced. Despite major joint use revenues obtained by Coronado, their aquatic center still generates a huge operating loss. GUHSD's Response failed to mention the annual operating cost of this center but some estimates place it at upwards of \$500,000.

GUHSD also fails to mention what they have not spent bond money on. Many school districts have used sizable portions of bond money to install solar panel installations at their schools. (Alpine is one such district.) Solar panels have immediate payback, particularly at sunny inland schools such as GUHSD's, because they cut electric usage and are net electric generators during summer months when schools are closed. AHSCC, as early as 2008, publicly urged the GUHSD Board to invest bond money in solar and estimated the District could cut their electric bill in half and save over \$1 Million annually. Even with such clear incentives GUHSD has made scant investment in solar electric with bond money and yet has the audacity to bemoan in their Response (p.2) about the ever increasing SDG&E utility bills they will be facing as a further excuse not to build the Alpine high school. Obviously, costly aquatic centers trump cost saving solar investments, yet somehow the new high school pushes their operating expenses over the edge. The hypocrisy of their position is self-evident.

Finally, the GUHSD Response makes no mention of what it did with the first \$30 Million of Prop H bond money and its impact on operating expense. GUHSD paid off the outstanding balances from the Certificates of Participation (COPS) that were used to finance the construction of West Hills and Steele Canyon high schools. Prior to their payoff using bond funds, the annual interest and principal payments on the COPS of about \$2 Million were taken from the GUHSD operating budget, offsetting by far any incremental operating costs associated with the new school.

## **GUHSD Has Received Substantial State Matching Funds**

This rebuttal will spend little time dealing with GUHSD's complaints about the slowness or withholding of State matching funds. The truth of the matter is that GUHSD has received a substantial amount of State matching funds and has built up a substantial reserve of available bond funds that includes State funds. There is no shortage of construction funds as the District has in excess of \$70 Million of available cash. The District has simply reprioritized the projects it has chosen to work on and has placed the Alpine school at the bottom of its list. As to State funds, the State will provide GUHSD with an additional \$8 Million to be used for "hardship" purposes. This special designation of funds was to be used to compensate GUHSD for extra environmental and permit requirements associated with the new Alpine high school such as building a pedestrian bridge over sensitive riparian wetlands. It now appears GUHSD will redirect these specially earmarked funds to other "non-hardship" projects on their wish list.

Contrary to the notion that other school districts are also placing new school construction on the back burner is the fact that other districts are following through on those bonds that provided for new school construction. For example, the Poway school district just broke ground on a new K-8 campus that will open in 2014. Only in school districts where there was a mass exodus of residents as a result of a wave of new home foreclosures combined with unfinished home development (such as in Riverside) did the district find itself unable to open a new school. That is clearly not the case in East County and particularly so in Alpine where for sale homes are now in short supply.

## **GUHSD Ignores Increased State Funding And The Improved Economy**

The GUHSD Response (p.2) mentions the sharp declines in State operational funding that all California school districts experienced since 2008, and, as noted above, have used that as an excuse to tie construction of the Alpine school (but nothing else) to the restoration of 2007/8 funding levels. Connected to this theme, GUHSD also bemoans that declining property values will delay the District's issuance of authorized bond funds. Once again, GUHSD omits critical information, specifically the recent restoration of State funding and the economic recovery, especially in the housing sector.

The 2013/14 State budget package creates a new funding formula that annually increases ADA funding levels for every school district. The Funding Overview issued by the California Department of Education on July 25, 2013 states that the 2013/14 Budget Act increases funding by \$2.1 billion the first year and provides additional funding "to ensure that virtually all districts are at least restored to their 2007-08 state funding levels (adjusted for inflation)." (Emphasis supplied.) This excellent news directly satisfies the 2011 GUHSD resolution requirement but is met with silence in their Response.

The overall improvement of the state and national economies is also ignored, particularly the double digit increases in San Diego area housing prices in the last year. Nevertheless, it is clear that, despite the new state funding law and economic improvement, GUHSD

has no intent to abide by its own resolution and build the Alpine school. When that 2011 resolution was passed, then Governing Board President Rob Shield stated the intent was to bring clarity to the Alpine issue. Hence, the resolution states that grading would remain on schedule and facility site plans would be submitted to the Department of State Architects (DSA).

The Board's 2011 resolution was soon violated. In the spring of 2012 the grading and building of the new school was moved out of the 2012 project list and other projects were substituted in its place. The facilities building plan was also withdrawn from the DSA. This suspension was done without Board approval in direct contradiction of the resolution. In order to obtain a "nunc pro tunc" retroactive approval of this action, Superintendent Swenson, at the May 2012 Board meeting, presented a "full" delay/\$0 cost grading option but no action was taken. Then in November 2012 Superintendent Swenson recommended a change to the bond program that specifically included the full delay/\$0 cost option. This delay was approved and the entire Alpine school work scope was moved to the final phase of the bond program. This action has the effect of revoking all building and grading plans from the 2011 resolution and effectively killed the high school. Although the GUHSD Response claims it is still committed to building the Alpine school, its actual actions make clear that is a hollow promise.

### **GUHSD GROSSLY DISTORTS THE HISTORY OF PROP T AND THE AGREEMENT GUHSD ENTERED INTO TO BUILD THE ALPINE SCHOOL**

In an incredible bending of the truth, GUHSD's Response (p.6) attempts to blame Board member Priscilla Schreiber and other since departed members for opposing the inclusion of an Alpine high school in an earlier, failed bond measure Prop T. At the outset it should be noted that Ms. Schreiber has been one GUHSD Board member who has been a consistent advocate in favor of building the Alpine high school as evidenced by her voting record over the years, including her vote in opposition to the GUHSD Response. However, AHSCC is pleased with the mention of Prop T, albeit in a distorted way, because it draws attention to the facts that actually occurred that led to Prop T and ultimately Prop H.

As the Grand Jury Report points out, there were earlier disappointments for the Alpine community. Instead of building a promised high school in Alpine in the late 90s, the GUHSD Board switched gears and used Certificates of Participation ("COPs") to fund the construction of Steele Canyon High School in Rancho San Diego. This generated the first unification effort by Alpine in 2000 and resulted in the proposal of two local Alpine bond measures (Props V and W) to fund the construction of an Alpine high school. In the same timeframe, GUHSD was under tight scrutiny by a Federal magistrate for the ADA violations associated with the disrepair and deferred maintenance of its schools. Hence, the GUHSD Board went forth with Prop T but excluded any funding for an Alpine school as Alpine was seeking its own bond measures and unification. Prop T was put forth as a non-Prop 39 which required it to get a 2/3<sup>rd</sup> vote.

Both the Alpine and GUHSD bond measures failed and both Alpine and GUHSD came together with joint resolutions in which (1) Alpine agreed to withdraw its unification effort and (2) GUHSD agreed to go forward with a new Prop 39 bond that included funding for a new 12<sup>th</sup> high school to serve the Alpine and Blossom Valley communities. This agreement ultimately evolved into Prop H and a companion bond master plan that listed the Alpine high school as a “must do” bond project. Contrary to the misstatement in GUHSD’s Response (p.6) that the promise of an Alpine school is a phrase used by Alpine “special interest advocates” and “is not reflective of the actual history of actions”, this agreement between the two districts was much more than a promise. It established the contractual quid pro quo for construction of the Alpine High School. All of GUHSD’s arguments and excuses for not building the high school are subsumed by this joint resolution and agreement by the two school boards and is at the core of the Grand Jury’s rationale for its recommendations.

### **ALPINE VOTERS OVERWHELMINGLY SUPPORT A NEW HIGH SCHOOL**

There is no greater distortion of the facts in GUHSD’s Response than its argument that somehow the Grand Jury overlooked interviewing the folks in Alpine who do not support school bonds and that historically, “the Alpine community has been the least supportive of building a 12<sup>th</sup> school in Alpine of any community” within GUHSD. The Response (p.8) claims this utterly invalid statement is “supported” by the voting statistics on Props V and W in 2002, Prop H in 2004 and Prop U in 2008.

First, as noted above, Props V and W were bond measures in Alpine when unification was first sought. Two bonds were needed since the total amount of each bond could not exceed the statutory limit of \$30 per \$100,000 of assessed value. Many in Alpine did oppose this substantial local bond measure (and unification) because GUHSD was publicly advocating that it could build Alpine a larger comprehensive high school and that it would only require a single \$30 bond (ultimately Prop H). Many in Alpine believed Grossmont and the breach of that promise and agreement is why the Grand Jury entitled its report “Fool Us Once, Fool Us Twice”. This episode was the Fool Us Once part. Again GUHSD is attempting to argue that the Alpine negative vote on Props V and W was the result of insular little Alpine’s opposition when, in fact, GUHSD had its fingerprints all over the opposition campaign to those measures.

As to Prop H, many in Alpine were legitimately skeptical of GUHSD’s motives given its prior history with Steele Canyon’s construction. Nevertheless, AHSCC (the so-called special interest group) mounted a strong grass roots campaign in Alpine to support Prop H, manned telephone banks, and raised, with the help of the Indian Tribes, thousands of dollars to support and get out the vote for Prop H. To say that nearly 60% Alpine voters in favor of Prop H amounts to weak support is ludicrous.

Prop U was a different story as Alpine once again experienced rejection of a new high school by the GUHSD Board despite the clear intent of Prop H. Consequently, many Alpiners predicted (correctly) that GUHSD would again break its promise to build the

school and were also alarmed at the poison pill “trigger” language included by Board member Kelly into Prop U and his personal opposition to the bond even with that language. Nevertheless, Alpine voters mustered nearly 55% in favor of Prop U only to be subsequently “Fooled Twice” by the GUHSD Board.

The Response statement, quoted above, that the Alpine community has been the least supporting of building a 12<sup>th</sup> high school in Alpine in GUHSD is also simply false. The 55% support for Prop U was exceeded only by the high support levels in communities with high minority and/or rental and apartment dweller populations such as El Cajon, Spring Valley and Lemon Grove – communities that usually provide strong support for school bond measures, particularly in the presidential election year of 2008. Nevertheless, even in the face of Mr. Kelly’s poison pill trigger language in Prop U, Alpine’s 55% support level exceeded communities with comparable demographics such as Santee, Lakeside, Jamul, and Rancho San Diego. GUHSD needs to retract this blatant falsehood from their Response.

As stated at the outset of this rebuttal, the gathering of over 3000 signatures in favor of unifying the Alpine school is the clearest evidence of the obvious - that Alpine overwhelmingly supports having its own local high school. When the time comes for the citizens of Alpine to vote in favor of unification, the AHSCC is confident of the outcome.

### **GUHSD’S ACTIONS, NOT ALPINE UNIFICATION, EXCLUDE BLOSSOM VALLEY STUDENTS FROM ATTENDING THE NEW ALPINE HIGH SCHOOL**

The GUHSD Response (p.4) makes the incredible argument that Alpine’s unification effort will exclude Blossom Valley students from an Alpine area high school and that this causes GUHSD to exercise further restraint in proceeding with construction of the school. Nothing can be further from the truth.

Both Props H and U were intended to include both Alpine and Blossom Valley students in the new school. There is a mountain of evidence that GUHSD helped persuade the Alpine school board and many Alpine community leaders to forego its earlier unification effort because GUHSD could build a larger, comprehensive high school that would serve the eastern I-8 corridor from Blossom Valley to Alpine. The Boundary Committee report also confirmed that at least 70 Blossom Valley students would attend the new school, even if those students were given the option of attending any GUHSD high school.

It was the actions taken by GUHSD that attempted to exclude Blossom Valley students. Alpine and Blossom Valley residents are on record at multiple public meetings requesting that GUHSD build the new Alpine school large enough to accommodate Blossom Valley as well as the smaller communities between Alpine and Blossom Valley such as Dehesa. These residents and the Boundary Committee report have urged that the new school needs to accommodate at least 1200 students. However, due to the restrictions in the Prop U language and imposed on the Boundary Committee by the GUHSD Board, the

initial building plan for the high school was limited to 800 students. Not only did this size restriction exclude Blossom Valley students, it also excluded students from Harbison Canyon which is part of the Alpine school district! Incredibly, GUHSD has further investigated reducing the school size to an untenable 500 students, making the 4 grade (9-12) high school substantially smaller than Alpine's 3 grade (6-8) middle school. In the face of these facts, for GUHSD to blame Alpine unification for paring the school size and holding back construction is simply an effort to place the truth on its head.

Finally, GUHSD sidesteps an unavoidable fact. Alpine's unification is legally limited to the boundary of the Alpine Union School District and since Blossom Valley is within the El Cajon Valley Union School District it unfortunately cannot be included in a new Alpine unified school district. However, the AHSCC would welcome the support of GUHSD in allowing inter-district transfers of Blossom Valley high school students to attend the future Alpine unified district high school.

### **“FOOL US ONCE, FOOL US TWICE” IS AN ACCURATE TITLE**

Apparently the phrase “fool us once, fool us twice” used by the Grand Jury in the title of its report got under the skin of the authors of the GUHSD Response as nearly 3 pages (p.5-7) are taken up addressing use of the phrase. This rebuttal and the Grand Jury Report adequately justify the use of the phrase. If anything the phrase is an understatement as there have been many instances over the years of GUHSD making blatantly false promises to the citizens, taxpayers, parents, and, most important, the students of Alpine.

GUHSD pats itself on the back by noting that the Grand Jury made “no allegations of unethical or criminal activities” by any board member or staff. The fact that the Grand Jury made no such allegations does not translate to the Grand Jury stating that board members or staff acted ethically. Any unbiased reading of the Grand Jury report reveals a clear distaste for the behavior and conduct of certain Board members and an inherent suspicion of their motives.

Many have described the actions of GUHSD as “bait and switch” or fraudulent inducement. The Alpine school district and the voters of Alpine were induced into going along with and supporting GUHSD's bond measures in the belief their agreement with GUHSD to build an Alpine school would be honored. Certainly, had this behavior taken place in the private sector it would have resulted in serious legal repercussions. AHSCC is not qualified to opine on whether such unsavory conduct would be labeled criminal but we have no doubt that it was unethical.

### **THE GRAND JURY PROCEDURE WAS ENTIRELY PROPER AND LOGICAL**

One of the most disturbing aspects of the GUHSD Response is its criticism of the Grand Jury's procedures for selecting the individuals interviewed. A Grand Jury is an

independent investigative panel of citizens. Their procedures and methodology is carefully monitored by the San Diego County judicial system. The hallmark of their operation is the confidentiality of the persons they call to testify. If their identity was compromised or made known by the Grand Jury such individuals would be the subject of scrutiny and possibly threats, thereby undermining the whole Grand Jury system.

Obviously GUHSD didn't get the memo that it is not privy to the names of those individuals or why they were called to testify. Since GUHSD was clearly irked by not being able to dictate to the Grand Jury who they select to testify, GUHSD's Response outrageously attacks the Grand Jury for not selecting certain individuals or groups who obviously would be beholden to or closely aligned with the GUHSD Board. For example, GUHSD's Response berates the Grand Jury for not calling CBOC members to testify, obviously revealing they were improperly quizzing people connected to GUHSD as to whether they testified. Such disappointment in not calling CBOC members is understandable as early appointees of the CBOC were closely aligned politically with certain GUHSD Board members. The GUHSD Response also recklessly and improperly discloses that Jim Kelly and Priscilla Schreiber testified before the Grand Jury and that other Board members did not. AHSCC will leave it to the Grand Jury to investigate this improper written disclosure contained in the Response.

### **ALL OF THE GRAND JURY FINDINGS OF FACT ARE VALID**

This rebuttal could go on endlessly refuting GUHSD's nit picking of the Grand Jury findings of facts. Unlike GUHSD, AHSCC will not engage in parsing words used by the Grand Jury. All we will say is that facts are stubborn things that hang around when they are truthful and supported by evidence. All of the Grand Jury's findings of fact are supported by the evidentiary record the Grand Jury carefully gathered and meticulously cross checked.

### **THE GRAND JURY RECOMMENDATIONS ARE JUSTIFIED AND SUPPORTABLE:**

#### **THE CURRENT GUHSD GOVERNING BOARD WILL NEVER BUILD THE ALPINE HIGH SCHOOL**

To the surprise of no one, GUHSD rejects the first two recommendations of the Grand Jury. GUHSD pays lip service to the Grand Jury recommendation that GUHSD decide by December 31, 2013 whether it will build the Alpine High School by falling back on the already satisfied enrollment trigger and the more recent 2011 resolution to consider construction of the school only if 2008 ADA funding levels are restored. Anyone with any knowledge of how this Board operates knows full well that even if these two poison pill obstacles are somehow deemed satisfied, the Board will still not build the Alpine school. As discussed above, the Board has already revoked portions of their 2011 resolution to indefinitely delay grading the school site and submitting building for the

school. Their strategy and plan is obvious – to stall construction by any means until all bond funds are completely exhausted, something they are attempting to do as quickly as possible. Therefore, even though the Response beats around the bush, the answer to the Grand Jury is clear – GUHSD’s current Governing Board will never approve construction of the Alpine school and there is no need to wait until December 31 for an answer.

### **GUHSD MAY ESTABLISH AN ESCROW TO FUND THE ALPINE SCHOOL**

Given the response to the first recommendation there is no expectation for GUHSD to agree to a timeline for construction of the school, much less a “credible timeline” as requested by the Grand Jury. However, the Grand Jury recommendation to establish and deposit funds in an escrow account for the Alpine school is worthy of comment because it has implications relating to the last Grand Jury recommendation. The Grand Jury was rightly concerned that with GUHSD burning through bond funds at the current rate, funds would not be available to build the school even if GUHSD miraculously agreed to build the school.

GUHSD’s Response (p.16) states that in essence they cannot establish such an escrow because “It is prohibited by federal tax law and our fiduciary duty for the GUHSD to obtain bond funds and fail to utilize them in a timely manner in compliance with bond language.” What is so interesting about this response is that the GUHSD Board in 2007 approved an escrow fund of \$65 million in Prop H bond monies to be dedicated to the new high school and other “must do” bond projects. That escrow was later amended by Mr. Kelly following the passage of Prop U to allocate \$20 million of the fund for the acquisition of the school property and infrastructure construction. Somehow, such an escrow arrangement was legal in 2007 but has now become a violation of federal law and GUHSD’s fiduciary obligation. No explanation is given for such a change in either policy or legal interpretation.

### **GUHSD’S MYSTERIOUS RESPONSE TO THE FINAL GRAND JURY RECOMMENDATION**

The third and final Grand Jury recommendation is that if GUHSD does not elect to commit to building the Alpine school “they should take all reasonable steps to cooperate with the Alpine Union School District in support of the unification effort in that community.” The response to that recommendation defies analysis or interpretation.

First, the response states that “We agree to this Recommendation.” However, the remainder of the response gives new meaning to the phrase “non sequitur” by saying the Board will commit to build the school when bond conditions permit and upon restoration of the 2008 ADA funding levels. What any of this has to do with supporting unification is a mystery. Further, unification will place the role of constructing the new high school in the hands of the unified Alpine district and there is no longer any role played by GUHSD in the school’s construction so that answer is completely unresponsive to the subject of the recommendation. There is no way to interpret this obfuscation of an

otherwise straight forward recommendation. Nevertheless, AHSCC thanks the GUHSD Board for agreeing to support Alpine's unification effort and will remind them of their support in our soon to be filed unification petition.

### **CONCLUSION: WHAT IS THE REAL REASON THE GUHSD BOARD HAS KILLED THE ALPINE HIGH SCHOOL?**

The AHSCC completely and utterly rejects the arguments contained in the GUHSD response to the Grand Jury Report and urges the Grand Jury to adhere to all of its analysis, findings of fact, and recommendations.

Most people possessing common sense and a moral compass reject the frequently heard statements that were repeated in the GUHSD Response to the Grand Jury. They always are confounded by why the GUHSD adheres to such an illogical and mean spirited position in violation of past promises and agreements. They ask "What is the real reason for killing the Alpine high school?"

For most the answer is hard to grasp because school boards are supposed to act in the best interests of the children they are educating. What they don't realize is that many school boards, especially large ones such as Grossmont, are political bodies that offer a base from which political power and control can be exercised. When conflicts arise in a political body, sometimes innocent pawns, such as the school in Alpine, become the focal point of those conflicts.

If one reads the Grand Jury Report carefully, including all footnotes, it is clear that the Grand Jury recognized what was really going on within the GUHSD Board. The Report's discussion of the controversy over the naming of the high school (Ronald Reagan high school) and the political players involved in that issue are particularly revealing as to the dynamics of why the Alpine high school met its undeserved fate. That political infighting is still in play. It is why AHSCC and the citizens of Alpine have abandoned all hope and are seeking a divorce, through the process of unification, from the dysfunctional Board that exercises control over the high school education of its children.